



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: FOO - 178395

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on December 6, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Waupaca County Department of Social Services regarding FoodShare benefits (FS), a hearing was held on January 5, 2017, by telephone.

Petitioner has withdrawn his request for hearing.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]

Waupaca County Department of Social Services  
811 Harding Street  
Waupaca, WI 54981-2087

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Waupaca County.
2. The Petitioner filed a request for a hearing that was received by the Division of Hearings and Appeals on December 6, 2016.

3. On December 23, 2016, the Petitioner submitted a signed withdrawal of the request for hearing, but wrote a note, indicating that his case was not resolved and asking if he can file another appeal if he is unable to resolve the case.
4. On January 3, 2016, ALJ Ishii called the Petitioner and left a message, asking whether he really wanted to withdraw his appeal, or if he wanted to reschedule his hearing. The Petitioner did not return the call.
5. On January 5, 2016, at the appointed time for Petitioner's hearing, ALJ Ishii attempted to call the Petitioner, but only reached a voicemail. A message was left for the Petitioner.

### **DISCUSSION**

Because the Petitioner signed a withdrawal, because he did not return my phone call asking for clarification of his intentions, and because he did not make himself available for his hearing on January 5, 2016, I can only conclude that the Petitioner did not want his hearing. Accordingly, I will dismiss the appeal. If I have misunderstood the situation, the Petitioner is directed to the rehearing instructions below.

Petitioner should note, that because he is over age 22, he can be considered a separate FoodShare household from his parents, if he does not purchase and prepare food with his parents. (FoodShare Wisconsin Handbook, section 3.3.1)

### **CONCLUSIONS OF LAW**

The Petitioner has withdrawn his request for a hearing.

**THEREFORE, it is** **ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. **Your request must be received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES

IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 5th day of January, 2017

\s \_\_\_\_\_  
Mayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 5, 2017.

Waupaca County Department of Social Services  
Division of Health Care Access and Accountability